

FRANCIS MAILMAN SOUMILAS, P.C.

James A. Francis (*pro hac vice*)
Lauren KW Brennan (*pro hac vice*)
1600 Market Street, Suite 2510
Philadelphia, PA 19103
Tel. (215) 735-8600
Fax. (215) 940-8000

Attorneys for Plaintiff Shosha Kellman

Additional attorneys on signature page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHOSHA KELLMAN, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

WFM PRIVATE LABEL, L.P., WHOLE
FOODS MARKET CALIFORNIA, INC.,
WHOLE FOODS MARKET SERVICES,
INC., and WHOLE FOODS MARKET
DISTRIBUTION, INC.

Defendants.

Case No. 17-cv-06584-LB

**STIPULATION AND ~~(PROPOSED)~~
ORDER VACATING DEADLINES
IN LIGHT OF SETTLEMENT**

Pursuant to Civ. L.R. 7-11, Plaintiff Shosha Kellman (“Plaintiff”) and Defendants WFM Private Label, L.P. (“WFM Private Label”), Whole Foods Market California, Inc. (“WFM California”) and Whole Foods Market Services, Inc. (“WFM Services” and collectively “Defendants”) and by and through their counsel of record, state as follows:

1. Pursuant to the Parties’ stipulation on March 15, 2023 (ECF 210), the Court set certain deadlines for further proceedings in this matter, including class certification experts, class certification briefing, and dispositive motions. ECF No. 211.

2. In their May 1, 2023 stipulation to extend those deadlines, the Parties noted that they have been in negotiations to settle the case, and requested a short extension of deadlines to accommodate their discussions, which the Court granted. ECF Nos. 212-213.

3. On May 5, 2023, the Parties reached an agreement in principle to settle this matter on an individual basis.

4. The Parties have met and conferred and agree, subject to the Court’s approval that, in light of the agreement in principle to settle this matter and to promote efficiency and conserve judicial and party resources, the remaining deadlines set forth in the most recent scheduling order, ECF No. 213, should be vacated to allow the Parties to finalize the details of the settlement.

5. The Parties will move promptly to dismiss the action with prejudice upon execution of a final settlement agreement, which they expect to complete within thirty (30) days.

6. The Parties therefore jointly and respectfully request that all pre-trial deadlines be vacated, and propose to file either a motion dismiss or a status report with the Court by June 12, 2023.

IT IS SO STIPULATED.

DATED: May 12, 2023

By FRANCIS MAILMAN SOUMILAS, P.C.
/s/ James A. Francis

JAMES A. FRANCIS

Attorneys for Plaintiff

SHOSHA KELLMAN

BLAXTER | BLACKMAN LLP

DATED:

By: /s/ Brian R. Blackman

BRIAN R. BLACKMAN

J.T. WELLS BLAXTER

Attorneys for Defendant

WFM PRIVATE LABEL, LP, WHOLE FOODS

MARKET CALIFORNIA, INC. and WHOLE

FOODS MARKET SERVICES, INC.

ATTESTATION

I, James A. Francis am the ECF User whose identification and password are being used to file this Joint Motion. In compliance with Civil L.R. 5-1(i)(3), I attest that Brian Blackman has concurred in this filing.

/s/ James A. Francis

JAMES A. FRANCIS

ORDER

Pursuant to the Parties' Stipulation and for good cause shown, it is hereby ORDRED that all deadlines set forth in the operative Scheduling Order at ECF No. 213 are VACATED. The Parties shall file either a motion to dismiss the case with prejudice or a status report no later than June 12, 2023.

Dated: May 15, 2023



Hon. Laurel Beeler

UNITED STATES MAGISTRATE JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28